

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

COVENANT HEALTH SYSTEM,

*Plaintiff,*

vs.

GROUP & PENSION ADMINISTRATORS,  
INC., et al

*Defendants.*

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Civil Action No.  
5:19-CV-103-H

**Plaintiff Covenant Health System’s Opposition to Defendants Pate Trucking Co., LLC and  
Pate Trucking Co., LLC Employee Benefit Plan’s FRCP 12(b)(6) Motion to Dismiss**

To the Honorable United States District Court Judge:

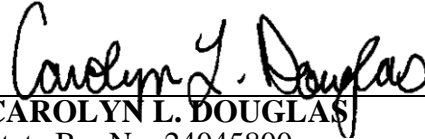
Plaintiff Covenant Health System (“Covenant”) opposes the FRCP 12(b)(6) Motion to Dismiss (Doc. 32) filed by Defendants Pate Trucking Co., LLC and Pate Trucking Co., LLC Employee Benefit Plan (collectively, “Pate Trucking”), and respectfully would show the following:

Pate Trucking’s motion to dismiss is virtually identical to the motion to dismiss filed by Defendants Western Dairy Transport, LLC; the Western Dairy Transport, LLC Pre-Tax Premium Plan; Friona Industries, LP; the Friona Industries, LP Employee Benefit Plan; Lori’s Gifts, Inc.; the Lori’s Gifts Employee Health Plan; Santa Rosa Telephone Cooperative, Inc.; and the Santa Rosa Telephone Cooperative, Inc. Health Care Benefits Plan (collectively, the “Plan Defendants”) (Doc. 25). Therefore, for the sake of efficiency, Covenant adopts and incorporates by reference its opposition to the Plan Defendants’ motion to dismiss (Doc. 28), which applies with equal force to Pate Trucking’s motion.

WHEREFORE, Covenant prays that the Court deny Pate Trucking's FRCP 12(b)(6) motion to dismiss, and grant Covenant all such other and further relief to which it is justly entitled.

Respectfully submitted,

**CLARK HILL STRASBURGER**

A handwritten signature in black ink, reading "Carolyn L. Douglas", is written over a horizontal line.

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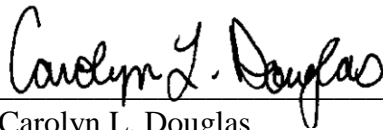
(713) 951-5660 Fax

**ATTORNEYS FOR PLAINTIFF  
COVENANT HEALTH SYSTEM**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 3<sup>1st</sup> day of March, 2020, a true and correct copy of the foregoing *Opposition to Defendants Pate Trucking Co., LLC and Pate Trucking Co., LLC Employee Benefit Plan's FRCP 12(b)(6) Motion to Dismiss* was served on all known counsel of record via the CM/ECF system.

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Carolyn L. Douglas